IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY,THE SEVENTH DAY OF APRIL,
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE G. BIKSHAPATHY**

**and**
**THE HON'BLE MR JUSTICE P.S.NARAYANA**

**WRIT PETITION NO : 7576 of 2005**

Between:

Sri Venkata Ramana Rice Mill

Rep by its Managing Partner.,

Kasumanchi Ramalingeswara Rao
S/o.Kamaraju ,Managing Partner,

East Godavari District.

**..... PETITIONER**

AND

1. The Addl.Commissioner (CT) Legal,
Commissioner of (CT) Building,

Namapally, Hyderabad.

2. The Commercial Tax Officer
Tuni East Godavari District

3. The Chairman, The Sales Tax Appellate Tribunal
Nampally , Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or direction more particularly one in the nature of writ of mandamus

declaring the order passed by the 1st respondent in CCT's Ref.No.LV(3)/3301/2004 dt.16-12-2004 rejecting the stay of collection of disputed taxes for the Asst.year 1998-99 is illegal, arbitrary, and contrary to the provisions of APGST Act XX 1957 and set aside the same, consequently direct the 2nd respondent not to collect the tax pending disposal of the appeal before the 3rd respondent.

**Counsel for the Petitioner: MR.KUNUKU DURGA PRASAD**

**Counsel for the Respondents: GP FOR COMMERCIAL TAX**

The Court at the admission stage made the following:

**ORDER:**( Per Hon'ble Sri Justice G.Bikshapathy)

1. The writ petition is filed assailing the order of the 1st respondent in CCT's ref. No.LV(3)/3301/2004 dated 16-12-2004 rejecting the stay of collection of disputed taxes for the Assessment year 1998-99 and consequently direct the 2nd respondent not to collect the taxes pending disposal of the appeal before the 3rd respondent.

2. After hearing the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents, the writ petition is disposed of directing the Sales Tax Appellate Tribunal to dispose of the appeal as expeditiously as possible. Pending disposal of the appeal, there shall be stay of collection of disputed tax on a condition of petitioner depositing 50% of the disputed tax before the 2nd respondent, duly giving credit to the tax if any paid, within a period of four weeks from the date of order. No costs.

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**G.Bikshapathy, J**

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**P.S.Narayana, J**

07-04-2005

Bsb/Stp

To

1. The Addl.Commissioner (CT) Legal,
Commissioner of (CT) Building,

Namapally, Hyderabad.

2. The Commercial Tax Officer
Tuni East Godavari District

3. The Chairman, The Sales Tax Appellate Tribunal
Nampally , Hyderabad.

4. Two CCs to G.P. for Commercial Taxes, A.P.High Court

Buildings,Hyderabad.(OUT).

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